



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,020	08/07/2003	Tue Nguyen	SIM011D	1015

23910 7590 06/15/2005

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
----------	--------------

1734

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/636,020

Applicant(s)

NGUYEN, TUE

Examiner

Laura Edwards

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 40-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the deposition chamber as recited in claims 40, 41, and 51 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Art Unit: 1734

The disclosure is objected to because of the following informalities: the first page of the specification does not reflect the prior applications (US Serial No. 09/589,635 and US 10/195,357), their filing dates, and patent numbers.

Appropriate correction is required.

Claim Objections

Claims 1-59 are objected to because of the following informalities: in independent claims 40, 41, and 51, Applicant fails to provide proper punctuation (i.e., period) at the end of said claims. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 40-59 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,440,219.

Although the conflicting claims are not identical, they are not patentably distinct from each other

Art Unit: 1734

because both claim a single inventive concept to a replaceable shielding system for use in a processing or deposition system comprising the combination of at least a workpiece support and a replaceable shield for engaging a portion of the workpiece to prevent deposition wherein the shield is of comparable weight as the workpiece so like the workpiece, the shield can be replaced. Even though the claims of the instant application are broader than the claims recited in the patent, the inventive concept remains the same.

Claims 40-59 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,641,672. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claim a single inventive concept to a replaceable shielding system for use in a processing or deposition system comprising the combination of at least a workpiece support and a replaceable shield for engaging a portion of the workpiece to prevent deposition wherein the shield is of comparable weight as the workpiece so like the workpiece, the shield can be replaced. Even though the claims of the instant application are broader than the claims recited in the patent, the inventive concept remains the same.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

Art Unit: 1734

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed fails to teach or suggest “ a workpiece replacement chamber in communication with the deposition chamber, the workpiece replacement chamber comprising a workpiece replacement system for replacing the workpiece from the deposition chamber” as is recited in claim 41.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 40, 41, and 46-50 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cheng et al (US 5304248 or US 5851299).

Cheng et al teach a deposition system comprising a deposition chamber for depositing a film on a silicon wafer substrate comprising a workpiece support (40) for supporting the workpiece, and a shield (50) also made out of silicon (see col. 5, lines 3-15; col. 4, lines 60+) for engaging a portion of the workpiece on a side opposite the workpiece support and the shield shielding the engaged portion of the workpiece during processing to prevent processing on the engaged portion of the workpiece. Even though Cheng et al are silent concerning the shield being of a comparable weight as the workpiece and being replaceable, it would have been inherent or in the alternative obvious to one of ordinary skill in the art that the Cheng et al shield would be of comparable weight as the wafer because both are made out of the same material, silicon and would thereby be replaceable as being made from relatively inexpensive material.

With respect to claim 41, Cheng et al provide for a workpiece replacement chamber as defined by the area about the circumferential edge portion of the workpiece including the replaceable shield having a gap there between (see area between elements 44 and 54).

With respect to claim 47, see aligner (72).

With respect to claims 48 and 49, see actuator (76).

With respect to claim 50, see Fig. 4.

Claims 40-50 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stevens et al (US 5632873).

Stevens et al teach a deposition system comprising a deposition chamber for depositing a film on a silicon wafer substrate comprising a workpiece support (20) for supporting the workpiece, and a shield (11) made out of a desired lightweight material (see col. 14, lines 50+) for engaging a portion of the workpiece on a side opposite the workpiece support and the shield shielding the engaged portion of the workpiece during processing to prevent processing on the engaged portion of the workpiece. Even though Stevens et al are silent concerning the shield being of a comparable weight as the workpiece and being replaceable, it would have been inherent or in the alternative obvious to one of ordinary skill in the art that the Stevens et al shield would be of comparable weight as the wafer because both are made out of lightweight materials and thereby would be replaceable as being made from relatively inexpensive material.

With respect to claim 41, Stevens et al provide for a workpiece replacement chamber as defined by the area about the circumferential edge portion of the workpiece including the replaceable shield having a gap there between (see area 36).

With respect to claim 42, see shield restraint clamp (24).

With respect to claim 43, see shield restraint press (12).

With respect to claim 44, see spring (71).

With respect to claim 46, see shield support (24).

With respect to claim 47, see aligner (47).

With respect to claims 48 and 49, see actuator (60 or 32).

With respect to claim 50, see Figs. 3 and 4.


Conclusion

Art Unit: 1734

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

Le
June 13, 2005